

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re: SABRINA GENE COHN

CASE NO. MC20-0105RSL

ORDER TO SHOW CAUSE

On November 13, 2020, Sabrina Gene Cohn filed a copy of a Case Setting Notice from Snohomish County District Court, Everett Division. The state court matter is apparently criminal in nature and involves the operation of a vehicle lacking appropriate registrations or certifications. Dkt. # 1 at 6. Ms. Cohn also filed documents tending to show that the Snoqualmoo/Snoqualmie Tribe is the owner of the vehicle at issue and that she is a member of the Tribe. Pre-filing communications with the Clerk's Office staff suggest that Ms. Cohn is attempting to remove the state court matter to federal court because the Snohomish County District Court has not been receptive to her arguments that a vehicle registered to a Tribe is exempt from certain registration and plate requirements in the State of Washington. Dkt. # 1-8 at 5.

It is not entirely clear what relief Ms. Cohn is seeking in this federal action. She has not filed a complaint identifying a claim or requested remedy. In the alternative, Ms. Cohn may simply be asking the undersigned to adjudicate the criminal charge brought against her by the state, but the Court is unaware of - and Ms. Cohn has not identified - any authority for such a removal. Under 28 U.S.C. §§ 1442(a) and 1442a, state criminal prosecutions against an officer of the United States or its courts, an officer of either

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1 House of Congress, or a member of the U.S. armed forces may be removed to federal  
2 court. None of these circumstances is alleged in this case, however. Additionally, a  
3 criminal defendant may remove a criminal case to federal court if she seeks to assert a  
4 defense to the prosecution based on federal laws protecting equal civil rights but is  
5 prevented from doing so by a state statute or constitutional provision that purports to  
6 command the state courts to ignore federal rights. *See* 28 U.S.C. § 1443; *Patel v. Del*  
7 *Taco, Inc.*, 446 F.3d 996, 998–99 (9th Cir.2006). Ms. Cohn has not alleged a defense to  
8 the underlying criminal prosecution arising from statutory enactments protecting civil  
9 rights, nor has she pointed to a “formal expression of state law that prohibits [her] from  
10 enforcing [such] civil rights in state court[.]” *Id.* at 999. Removal under § 1443 is not  
11 appropriate.

12  
13 For the foregoing reasons, Ms. Cohn is hereby ORDERED TO SHOW CAUSE  
14 why this action should not be dismissed. Ms. Cohn shall, within thirty (30) days of this  
15 order, file a memorandum establishing this Court’s jurisdiction over the state criminal  
16 matter and the nature of the relief requested from federal court. Failure to show cause  
17 will result in the dismissal of this action.

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19 The Clerk of Court is directed to note this Order to Show Cause on the Court’s  
20 calendar for Friday, December 18, 2020.

21  
22 Dated this 18th day of November, 2020.

23 

24 Robert S. Lasnik  
25 United States District Judge  
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